

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORLANDO BAEZ,)	
)	2:17cv1375
Plaintiff,)	Electronic Filing
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
DR. BYUNGHAK JIN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

Orlando Baez (“Plaintiff”) is an inmate currently incarcerated at the State Correctional Institution at Greene. He initiated the instant *pro se* prisoner civil rights action in the Court of Common Pleas of Greene County and it was removed to this Court by counsel for the Department of Corrections on October 24, 2017. (ECF No. 1.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

Plaintiff filed an Amended Complaint (ECF No. 7), a Second Amended Complaint (ECF No. 19), and a Third Amended Complaint (ECF No. 34). In his Third Amended Complaint, he alleges that Defendants, both correctional and medical personnel employed at the State Correctional Institution at Greene, violated his rights under the First Amendment to the United States Constitution by failing to provide him with adequate medical care for his serious medical conditions in retaliation for filing grievances and lawsuits.

The DOC Defendants filed a Partial Motion to Dismiss for Failure to State a Claim on April 23, 2018 (ECF No. 40), and the Medical Defendants filed a Motion to Dismiss for Failure to State a Claim on May 25, 2018 (ECF No. 47). In a Report and Recommendation issued on July 18, 2018, the Magistrate Judge recommended that the Motion to Dismiss filed by the

Medical Defendants be denied. (ECF No. 52.) Additionally, in a Report and Recommendation issued on July 20, 2018, the Magistrate Judge recommended that the Partial Motion to Dismiss filed by the DOC Defendants be granted. (ECF No. 53.) The Reports and Recommendations were served on the parties and Plaintiff was told that the deadline for filing written objections was August 6, 2018. As of today, no objections have been filed.

Therefore, after careful ^{4/12} ~~de~~ *de novo* review, the following Order is now entered.

AND NOW, this 20 day of August, 2018;

IT IS HEREBY ORDERED that the R&Rs of the Magistrate Judge dated July 18, 2018 (ECF No. 52) and July 20, 2018 (ECF No. 53) are adopted as the Opinions of the Court.

IT IS FURTHER ORDERED that the Motion to Dismiss filed by the Medical Defendants (ECF No. 47) is denied.

IT IS FURTHER ORDERED that the Partial Motion to Dismiss filed by the DOC Defendants (ECF No. 40) is granted.

AND IT IS FURTHER ORDERED that this case is remanded back to the Magistrate Judge for all further pretrial proceedings.



David Stewart Cercone
Senior United States District Judge

cc: Orlando Baez
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